ADEQ
ARKANSAS
Department of Environmental Quality

July 6, 2010

Mr. Miguel Flores, Director
Water Quality Protection Division
USEPA Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

RE: Georgia Pacific Crossett Operations Mill (G-P)
Coffee Creek and Mossy Lake

Dear Miguel,

Thank you for your letter of April 27, 2010, regarding our recent meeting with Georgia Pacific Crossett Operations Mill (G-P) representatives. Therein, you request that ADEQ work with G-P to develop a plan for addressing Arkansas's Surface Water Quality Standards for Coffee Creek and Mossy Lake.

In response to your letter, ADEQ has had a series of discussions with G-P. As you know, your letter was accompanied by an attachment that outlines options for ADEQ and G-P to consider. According to this attachment, "The State may adopt the GCER aquatic life and primary contact recreation uses for [Coffee Creek and Mossy Lake]. The State may adopt subcategories of use or rebut the CWA presumption that waters may attain the GCER aquatic life use." It then states that this approach provides the State the option of conducting a Use Attainability Analysis (UAA) to either demonstrate that the GCER or primary contact recreation uses are not attainable relying on the factors set forth in 40 CFR 131.10(g)(1-5) or that the uses are not attainable based on economics under 40 CFR 131.10(g)(6). It also outlines the option of adopting subcategories of designated uses for these waters or adopting a variance with regulatory milestones for ultimately achieving aquatic life and primary contact recreation uses.

As a result of our discussions, G-P has agreed to conduct a UAA pursuant to Arkansas and EPA guidance. ADEQ will work with G-P on this UAA, and submit it to EPA Region 6 when it is complete. State procedures for conducting a UAA also require public participation. Upon completion of this UAA, ADEQ will address the Arkansas Water Quality Standards for Coffee Creek and Mossy Lake based on the outcome of the UAA. It is anticipated that, given appropriate weather conditions for data collection, the UAA will be completed by the end of 2011. Any associated rulemaking changes to Regulation No. 2, Water Quality Standards, would be initiated in early 2012.

Should you have questions regarding our position in this matter, please do not hesitate to contact my deputy director, Ryan Benefield. We appreciate your assistance in this matter and look forward to resolving it in a manner consistent with the CWA.

Sincerely,

Teresa Marks
Director

Cc: Alison Lathrop, Georgia Pacific
Sam Ledbetter, McMath Woods
Ryan Benefield
Steve Drown
Jamie Ewing